

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 1st day of February, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Phillip Hyatt, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:

OTHERS PRESENT: Lu & Ralph Arcemont, Sandy Kubek, Jeanie & Donald Brummett, Jim & Alpha Covington, Marilyn Rimer/Herald Newspaper, M. Cary/AP Progress Newspaper, Margaret Garrett/Harbor Shrimp Co., Capt. Tom Doran, Irwin Walters, Pat Walters, Patty Gilden, Rosemary Upton, Earl Buckmaster/Harbormaster, David Underbrink/Naismith Engineering, Mike Sullinger, Ahmad Farahnakian

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on February 1, 2010.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVAL OF MINUTES OF JANUARY 18, 2010.

Council Member Abrego made the motion to approve the minutes of January 18, 2010. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON APPOINTING MEMBERS TO THE MEMORIAL COMMISSION.

Mayor Knight stated he had contacted Pete Martinez regarding renewal of his place on the Memorial Commission. He stated Mr. Martinez would not continue to serve on the Commission due to health reasons.

After a short discussion, Mayor Pro Tem Attaway made the motion to appoint Lu Arcemont and Don Brummett to the Memorial Commission. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 5. PUBLIC HEARING ON THE REQUEST OF AHMAD FARAHNKIAN FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS TRACT 5, BLOCK 207, 1842 W. WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GENERAL BUSINESS (GB).

City Attorney Allen Lawrence opened the Public Hearing at 7:04 p.m. on the request of Ahmad Farahnkian for a Conditional Use Permit to operate a used car lot. The property is described as Tract 5, Block 207, 1842 W. Wheeler Avenue, Aransas Pass, Texas, San Patricio County. The property is zoned General Business (GB). He stated all proper notices had been given. He stated the Planning and Zoning Commission had

met previously on the matter and recommended approval of the request. Mr. Lawrence asked Mr. Farahnkian to speak for this request.

Ahmad Farahnkian stated he had owned Import Autos for 15 years at 161 N. Commercial and had recently moved to 1841 W. Wheeler. He asked the Council for a Conditional Use Permit for his new location.

The City Attorney asked was there any questions from the Council? He asked was anyone present to speak in opposition of the request? Seeing none he closed the Public Hearing at 7:05 p.m.

ITEM 6. **CONSIDER AND ACT ON THE REQUEST OF AHMAD FARAHNKIAN FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS TRACT 5, BLOCK 207, 1842 W. WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY.**

Mayor Pro Tem Attaway made the motion to approve the request of Ahmad Farahnkian for a perpetual Conditional Use Permit to operate a used car lot at Tract 5, Block 207, 1842 W. Wheeler Avenue as recommended by the Planning and Zoning Commission. Council Member Hyatt seconded the motion and the motion carried unanimously.

ITEM 7. **CONSIDER AND ACT ON THE FINAL BUSINESS PLAN OF HANDSOME SAILOR YACHT CHARTER MARINA, LLC.**

Captain Tom Doran stated he and Frank Hametner had plans to set up a small boat marina in Conn Brown Harbor for a number of months. He stated the business plan was well thought out and would be personally funded by Mr. Hametner and himself.

Council Member Mayer asked Captain Doran what was a mooring ball?

Captain Doran stated a mooring ball was a fiberglass or Styrofoam ball that was permanently attached to a mooring in the water to which boats are moored (connected to) in a circle so the boats cannot move very far. He stated the method was successful in several Florida harbors.

Mayor Pro Tem Attaway asked Captain Doran did he have to get US Army Corps of Engineer's (Corps) permission to use a mooring ball?

Captain Doran stated he did not know, but would find out. He stated the mooring ball was going to be in the latter phases of the plan. He stated they wanted to begin by rebuilding the existing docks and, with the City's permission, build some finger piers off the docks for more dock space. He stated he and Mr. Hametner were asking for 270 linear feet of bulkhead between the Texas Service Industries' diesel engine shop and the Bait Shack; where his boat was parked now.

Council Member Mayer stated she thought that area was designated for shrimp boats.

Mayor Knight stated he thought the Council would designate the area for shrimp boats. He stated the Corps permit says the City has to make provision for the marine industry and he took that to mean the shrimping industry. He stated he did not remember the Corps permit designating one area or another. He stated he thought the City's lease agreement with Erickson & Jensen (Aransas Pass Shrimp Packer, LLC) had satisfied that provision of the Corps permit.

After discussion regarding the harbor's Corps permit, City Manager Reggie Winters stated he had met with Dave Sullivan with Naismith Engineering regarding the proposed business plan (from Captain Doran and Mr. Hametner). He stated Mr. Sullivan had questions about the mooring ball and finger piers going into the harbor. He stated the Corps permit only allowed docks to go so far out, and if the mooring ball was placed farther out into the harbor it might restrict the fairway's access. He stated that would have to be confirmed with the Corps.

After Mayor Knight stated there was no action for a harbor lease in the item, Mr. Hametner stated he thought he and Captain Doran would be asking for the 270 linear feet (of dock space). He stated they would comply with any rules the City and Corps had concerning extensions into the harbor.

Captain Doran stated he and Mr. Hametner wanted the same style of lease the City had given Aransas Pass Shrimp Packers, LLC.

Council Member Mayer asked who were the members of the Handsome Sailor Yacht Charter Marina, LLC?

Captain Doran stated himself and Frank Hametner.

Mayor Knight asked the City Attorney if the Council approved this item would the Council be approving a harbor lease? He stated he had not seen a harbor lease.

The City Attorney stated no, the item stated consider and act on a business plan.

Captain Doran stated they were under the impression a lease could not be written without the City Attorney and City Manager's presence. He stated the City Manager had told him once the business plan was approved, the harbor lease would be written.

Mayor Knight stated he had no problem with the business plan as long as it did not interfere with the City's Corps permit.

Mr. Hametner stated he and Captain Doran needed to know if they could go forward with a request for a lease to start a small marina and, if successful, extend the marina. He stated the marina would bring in jobs and a different sector of industry, pleasure boats. He stated the mooring ball would allow larger boats to dock.

Council Member Abrego asked what experience had Mr. Hametner and Captain Doran had with marinas?

Mr. Hametner stated he had no experience with marinas. He stated Captain Doran had 30+ years experience in all aspects of the marina industry. He stated he had been around the business world for 50 years, not specifically marinas.

Captain Doran stated he felt fully competent to do anything in the marina industry and do it within the regulations and rules of the City, Corps of Engineers and anyone else that needed regulations fulfilled.

The City Attorney asked Captain Doran did he say he had a marina in Florida now?

Captain Doran stated no, he had a 40' vessel he keeps in the Fort Myers (Florida) area that he occasionally runs for charters, but his primary charter operation was here (Aransas Pass) in the summer months.

Mayor Pro Tem Attaway made the motion to approve the final business plan of Handsome Sailor Yacht Charter Marina, LLC and instruct the City Attorney to make a harbor lease for same. The motion died for lack of a second.

ITEM 8. CONSIDER AND ACT ON APPROVING ORDINANCE 2010-3969 - AN ORDINANCE CALLING A CHARTER AMENDMENT ELECTION FOR THE 8TH DAY OF MAY, 2010, FOR AMENDMENT OF THE PROVISION OF THE CHARTER OF THE CITY OF ARANSAS PASS, TEXAS REGARDING QUALIFICATIONS OF THE JUDGE OF THE MUNICIPAL COURT; PROVIDING FOR NOTICE OF SAID ELECTION BY PUBLICATION; AND PROVIDING FOR THE FORM OF THE PROPOSED AMENDMENT TO BE SUBMITTED AT SUCH ELECTION.

Council Member Mayer made the motion to approve Ordinance 2010-3969 calling a Charter Amendment election for the 8th day of May, 2010, for amendment of the provision of the Charter of the City of Aransas Pass, Texas regarding qualifications of the Judge of the Municipal Court; providing for notice of said election by publication; and providing for the form of the proposed amendment to be submitted at such election. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

ITEM 9. CONSIDER AND ACT ON APPROVING ORDINANCE 2010-3970 - CLOSING THE PORTION OF 7TH STREET BETWEEN WHEELER AVENUE AND LOTT STREET, AND 25 FEET OF THE SOUTHERN PORTION OF THE LOTT AVENUE RIGHT-OF-WAY BETWEEN 7TH STREET AND THE 20' ACCESS EASEMENT THAT LIES BETWEEN 7TH STREET AND 8TH STREET, TO VEHICULAR TRAFFIC AND RETAINING EASEMENTS FOR UTILITIES.

The City Attorney advised that Item 9 and 10 could be considered in one motion.

Mayor Pro Tem Attaway made the motion to approve Ordinance 2010-3970 closing the portion of 7th Street between Wheeler Avenue and Lott Street, and 25 feet of the southern portion of the Lott Avenue right-of-way between 7th Street and the 20' access easement that lies between 7th Street and 8th Street, to vehicular traffic and retaining easements for utilities and to approve Ordinance 2010-3971 abandoning the 20' alley right-of-way between Hazlett Avenue and Gile Avenue, Land Block 238, Tracts 7 and 8, Lots 9 thru 14, Conn Brown Addition No. 3, and returning said alley right-of-way property to the adjacent property owners. Council Member Abrego seconded the motion and the motion carried unanimously

ITEM 10. CONSIDER AND ACT ON APPROVING ORDINANCE 2010-3971 – ABANDONING

THE 20' ALLEY RIGHT-OF-WAY BETWEEN HAZLETT AVENUE AND GILE AVENUE, LAND BLOCK 238, TRACTS 7 AND 8, LOTS 9 THRU 14, CONN BROWN ADDITION NO. 3, AND RETURNING SAID ALLEY RIGHT-OF-WAY PROPERTY TO THE ADJACENT PROPERTY OWNERS.

Approved under Item 9.

ITEM 11. DISCUSSION REGARDING FINANCIAL REPORTS.

There was a short discussion concerning the short and long forms of financial reports from the Financial Director.

ITEM 12. CITIZEN'S COMMENTS.

Lee McLelland stated he was against the requested harbor lease from Captain Doran. He stated lessees should be bonded.

Margaret Garrett with Harbor Shrimp Company discussed leasing harbor property.

Sandy Kubeck stated he was disappointed with the non-action of the Council regarding Captain Doran's request for a harbor lease.

Clint Anderson stated he agreed with Mr. Kubeck and to do nothing (with the harbor) was sad.

Margaret Garret discussed the grant application for floating docks.

ITEM 13. ADJOURNMENT OF MEETING.

Mayor Pro Tem Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:33 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary